UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,394	05/25/2001	Leonard S. Hand	6169-200	4207

7590 03/22/2004

Gregory A. Nelson
Akerman Senterfitt
P.O. Box 3188
222 Lakeview Avenue, Fourth Floor
West Palm Beach, FL 33402-3188

EXAMINER	
ZHOU, TING	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,394	HAND ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 2/10/04.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-8,10 and 12-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-8,10 and 12-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 10 February 2004 have been received and entered. Claims 1-19 as amended are pending in the application. Of the above claims, claims 3, 5, 9 and 11 have been cancelled by the applicant and therefore, withdrawn from consideration. Claims 12-19 have been added by the applicant.

2. It is noted that the applicant's amendment to replace the first full paragraph to page 5 beginning at line 5, as requested on page 3 of the Amendment filed, have not been entered. There is no full paragraph beginning at line 5 of page 5 of the Specification and therefore, it is unclear where the amendment should be placed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6-8, 10 and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chari et al. U.S. Patent 6,046,742.

Referring to claims 1 and 7, Chari et al. teach a method and machine readable storage comprising obtaining from a display map, a reference to a node which is displayable in the display map, the node (icon in the Network Map Window, as shown by reference character "506" in Figure 5) representing a component in a complex heterogeneous system (column 8, lines 65-67 and column 9, lines 1-4), receiving a data metric from the component (user can browse through the MIB-defined variables, or nodes, which represent data concerning all the hardware and software component in a computer network; the parameters representing the components are organized into hierarchical levels, as shown in Figure 6) (column 6, lines 28-32), converting the data metric into an updated value and providing an updated value to the display map, the display map updating a display of the node, the updated display of the node reflecting the updated value (modifying one of the operational parameters representing a component and updating the status of the component corresponding to the modification) (column 6, lines 62-67 and column 7, lines 1-27 and column 20, lines 54-58), wherein the obtaining, receiving, converting and providing steps are performed within a software agent, wherein the software agent is a platform-independent software object (SNMP agent) (column 2, lines 3-14). This is further recited in column 9, lines 34-42 and column 13, lines 24-37.

Referring to claims 2 and 8, Chari et al. teach using the updated value for computing an indicator for representing the node on the display and displaying the computed indication for the node on the display map, as shown in Figure 21, where the indicator (temperature icon) representing the values of the temperature sensors component is shown on the display map.

Referring to claims 4 and 10, Chari et al. teach providing by request to a plurality of requesting agents (SNMP agents, each associated with one a plurality of servers) (column 7,

lines 12-15), references to displayable nodes representing a component in a content delivery network, each of the receiving agents, receiving at least one data metric from associated ones of the component (the SNMP agents receive information requests from the SNMP manager and the SNMP agents retrieve these information and display them on the display) (column 9, lines 34-42 and column 13, lines 24-37), each of the receiving agents, computing at least one updated node value responsive to receiving the data metric and updating the display map with updated node values (modifying one of the operational parameters representing a component and updating the status of the component corresponding to the modification) (column 6, lines 62-67 and column 7, lines 1-27 and column 20, lines 54-58).

Referring to claim 6, Chari et al. teach a system comprising a display map for displaying a plurality of nodes and representations of reported values for the plurality of nodes (as shown by the display map displaying system components, or nodes), a plurality of components distributed across a heterogeneous network (column 4, lines 42-47) and a plurality of agents configured to acquire references to individual ones of nodes and obtain updated values for the nodes from data metrics obtained from associated ones of the components (the SNMP agents configured to receive information requests from the SNMP manager regarding values for components and the SNMP agents retrieve these information and display them on the display) (column 9, lines 34-42 and column 13, lines 24-37).

Referring to claims 12 and 17, Chari et al. teach the display map including a plurality of nodes (plurality of nodes shown on the left side of the display map shown in Figure 17), and wherein particular ones of the nodes receive updated values provided by a plurality of different software agents (column 13, lines 24-37).

Referring to claims 13, 15 and 18, Chari et al. teach a plurality of different receiving agents (SNMP agents) receive at least one data metric from one of the components (column 13, lines 24-27).

Referring to claims 14 and 19, Chari et al. teach for particular ones of the receiving agents, at least one data metric comprises a plurality of data metrics, and wherein at least one updated node value comprises a plurality of updated node values, wherein the plurality of updated node values for the component are displayed within an associated displayable node within the display map, as shown in Figure 19, where the node component "FANS" and its associated data metric, or values, contain a plurality of nodes "FAN NUMBER 1", "FAN NUMBER 2", etc., each with their associated data metrics, or values.

Referring to claim 16, Chari et al. teach a plurality of updated values associated with one of the components are displayed within one of the nodes presented within the display map, as recited in column 6, lines 62-67 and column 7, lines 1-27 and column 20, lines 54-58, and further shown by the display of the values associated with the node representing the component "FAN NUMBER 1" in Figure 19.

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar graphical representations of parameters representing network components.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, the Chari et al. reference teaches a method for organizing and displaying information about hardware and software components in a computer network. The network can contain many servers connected to the network, and each network is represented by a SNMP agent, which is a software agent, that acts as an intermediary between the server components and the network (column 6, lines 62-67 and column 7, lines 1-25). The SNMP agent receives requests for data from the SNMP manager, retrieves the corresponding data, and displays it on the display map (column 13, lines 24-37). The data could be one of the plurality of operational parameters about different components in the network (column 19, lines 47-52).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703)305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 8, 2004

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100